

**TOWN OF LOS GATOS  
CALIFORNIA  
TOWN COUNCIL/PARKING AUTHORITY  
JOINT REDEVELOPMENT AGENCY  
December 1, 2003/Minutes**

**TOWN COUNCIL**

The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:04 p.m., Monday, December 1, 2003, in **joint regular session**.

**ROLL CALL**

Present: Sandy Decker, Diane McNutt, Joe Pirzynski,  
Mike Wasserman and Mayor/Chairman Steve Glickman.  
Absent: None.

**PLEDGE OF ALLEGIANCE**

Given by all in attendance.

**CLOSED SESSION (XX.28)**

Town Attorney, Orry Korb, reported that Council had met in Closed Session this evening pursuant to Government Code Section 54956.9(a) concerning Existing Litigation regarding Akeena Inc. vs Town of Los Gatos in Santa Clara County Superior Court 103CV-009221. No Action was taken.

Pursuant to Government Section 54957, Employee Performance Evaluation, Town Attorney, Council met in Special Closed Session, **November 25, 2003 @ 4:00pm**. The evaluation was completed. No action was taken.

**MAYOR'S STATEMENT (XX.28)**

Mayor Glickman welcomed the Council and audience and explained the current procedures followed during the Town Council meetings. He invited the public to come forward to speak during Verbal Communications and explained the use of the Speaker Cards for correct identification of the speaker and the item they are speaking to. He also took a moment to thank the "Los Gatos Art Cat Project Committee" for their work on this project and for their very generous donation of \$10,000 to the Los Gatos Arts Commission to fund a new public art project.

**SCHEDULE OF PUBLIC HEARINGS (01.28)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council accept and file informational report regarding currently scheduled public hearings. Carried unanimously.

**COUNCIL CALENDAR OF MEETINGS (02.28)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council accept the December, 2003, Town's Calendar of Meetings. Carried unanimously.

**RATIFICATION OF PAYROLL/OCTOBER-NOVEMBER 2003 (03.V)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council ratify the check register for payroll of October 26, 2003 through November 8, 2003 paid on November 14, 2003 in the amount of \$542,430.44. Carried unanimously.

**ACCOUNTS PAYABLE/RATIFICATION/NOVEMBER 2003 (04.V)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council ratify the accompanying check registers for accounts payable invoices paid on November 7, 2003 and November 14, 2003 in the amount of \$793,171.49. Carried unanimously.

**MINUTES OF NOVEMBER 17, 2003 (05.V)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council approve the Minutes of November 17, 2003, Joint Town Council/Redevelopment Agency Meeting as submitted. Carried unanimously.

**LOS GATOS ART CAT PROJECT/\$10,000 DONATION/FOR NEW ART PROJECT (06.12)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council authorize the Town Manager to accept a donation of \$10,000 from the Los Gatos Art Cat Project Committee to the Town of Los Gatos Arts Commission to fund a new public art project. Carried unanimously.

**WEED ABATEMENT/HAZARDOUS VEGETATION/RESOLUTION 2003-134 (07.33)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council adopt Resolution 2003-134 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS DECLARING HAZARDOUS VEGETATION (WEEDS) A PUBLIC NUISANCE AND PROVIDING FOR THEIR ABATEMENT AND SETTING A PUBLIC HEARING JANUARY 5, 2004 IN ORDER TO HEAR PROTESTS.** Carried unanimously.

**PARKS COMMISSION ESTABLISHMENT/TOWN CODE AMENDMENT/ORDINANCE 2123 (08.33)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council adopt Ordinance 2123 entitled, **ORDINANCE OF THE TOWN OF LOS GATOS AMENDING TOWN CODE CHAPTER 19, ARTICLE II, SECTIONS 19.20.010 THROUGH 19.20.040 REGARDING THE ESTABLISHMENT OF A PARKS COMMISSION,** which was introduced at the Council meeting of July 1, 2002. Carried unanimously.

**PROJECT 0233/SANTA CRUZ AVE STREETSCAPE/RESOLUTIONS 2003-135 & 2003-29RD (09.24)**

**Motion by Mr. Pirzynski**, seconded by Mrs. Decker, that Council/Agency adopt Resolutions 2003-135 & 2003-29RD entitled, **RESOLUTION OF THE TOWN COUNCIL AND REDEVELOPMENT AGENCY OF THE TOWN OF LOS GATOS ACCEPTING WORK OF ROBERT A. BOTHMAN, INC. FOR PROJECT 0233 - NORTH SANTA CRUZ AVENUE STREETSCAPE IMPROVEMENTS - (PHASE 2) AND AUTHORIZING THE TOWN MANAGER/EXECUTIVE DIRECTOR TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE TOWN CLERK/SECRETARY.** Carried unanimously.

**VERBAL COMMUNICATIONS (XX.28)**

**School Traffic Safety Issues:**

**Marc Jensen** congratulated staff on a job well done in implementing many of the projects through the Safe Routes to Schools grants that the Town has received. Mrs. Decker thanked Mr. Jensen for his interest and dedication in spearheading the work to obtain these grants.

**Ray Davis** asked that additional work be carried on to ensure safety for students walking to school.

**OTHER BUSINESS**

**SHANNON ROAD 15280/OPEN SPACE EASEMENT/DEDICATION/RESOLUTION 2003-139 (12.15)**

Mayor Glickman stated that this was the time and place duly noted to consider adopting a resolution accepting the grant of an Open Space Easement for eleven (11) acres at 15280 Shannon Road. Property Owner: Dirk and Josine Smits.

**Bud Lortz**, Community Development Director, spoke of the generous donation from the Smits of their open space dedication on Shannon Road. They have placed an Open Space Easement on their property which is donated to the Town, the Community and the people who support environmental issues in our hillsides.

**Mayor Glickman** thanked the Smits for their very generous donation to our Town.

**Ray Davis**, asked about the entitlement of ownership to the Town and the Mid Peninsula Open Space District and asked if the agencies were partners or not in this process. He also questioned the signature of the Notary Public as an employee of the Town and the possibility of a conflict of interest being raised at a later date.

**Motion by Mrs. Decker**, seconded by Mr. Wasserman, that Council adopt Resolution 2003-139 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS ACCEPTING A GRANT OF OPEN SPACE AND CONSERVATION EASEMENT OVER 11 ACRES OF PROPERTY AT 15280 SHANNON ROAD.** Carried unanimously.

**PUBLIC HEARING**

**RESERVOIR ROAD/REMOVAL OF RESERVOIR/SAN JOSE WATER/APPEAL (13.15)**

Mayor Glickman stated that this was the time and place duly noted for public hearing to consider an appeal of the decision of the Planning Commission denying an application to remove the existing reservoir and facilities and a four lot subdivision on property zoned R-1:20. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 529-31-041. Architecture and Site Application S-01-77. Subdivision Application M-01-13. Negative Declaration ND-01-11. Property Location: Reservoir Road. Property Owner - Applicant -Appellant: San Jose Water Company.

**PUBLIC HEARING CONTINUED**

**RESERVOIR ROAD/REMOVAL OF RESERVOIR/SAN JOSE WATER/APPEAL CONT.**

**Mayor Glickman** noted that this item had been continued from August 18, 2003 and November 17, 2003 and that staff recommends that it be continued again to December 1, 2003. He asked if there was anyone in the audience who wished to speak to this issue.

**Eric Morely**, representing San Jose Water, spoke of dialogue with the neighborhood and would prefer to continue the hearing in its entirety for two weeks rather than holding a segmented hearing.

**Motion by Mr. Wasserman**, seconded by Ms McNutt, to continue this Public Hearing to December 15, 2003. Carried unanimously.

**OTHER BUSINESS**

**ATTENDANCE REQUIREMENTS/BOARDS AND COMMISSIONS/RESOLUTION 2003-136 (14A.12)**

**Motion by Ms McNutt**, seconded by Mrs. Decker, that Council adopt Resolution 2003-136 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS REPLACING RESOLUTION 1988-173 AND ESTABLISHING ATTENDANCE REQUIREMENTS FOR MEMBERS OF ALL TOWN COMMISSIONS, COMMITTEES, AND BOARDS, EXCEPT THE PLANNING COMMISSION.** Carried unanimously.

**ATTENDANCE REQUIREMENTS/PLANNING COMMISSION/RESOLUTION 2003-137 (14B.12)**

**Motion by Ms McNutt**, seconded by Mrs. Decker, that Council adopt Resolution 2003-137 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 1988-173 AND ESTABLISHING ATTENDANCE REQUIREMENTS FOR MEMBERS OF THE TOWN PLANNING COMMISSION,** with amendment to Item #3 allowing eight (8) absences from regular scheduled meetings in a years' time rather than the five (5) reflected in the staff report. Carried by a vote of 3 ayes. Mr. Glickman and Mr. Pirzynski voted no believing that the staff report and analysis accurately stated the need for more consistent attendance while serving on the Planning Commission.

**MUSIC IN THE PLAZA/GUIDELINES/RESOLUTION 2003-138 (15.33)**

**Motion by Mrs. Decker**, seconded by Mr. Wasserman, that Council adopt Resolution 2003-138 entitled, **RESOLUTION OF THE TOWN OF LOS GATOS RESCINDING RESOLUTION 1997-126, "RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING MUSIC IN THE PLAZA GUIDLINES."** Carried unanimously.

**PERSONAL SERVICE BUSINESS WORK PLAN REPORT (16.37)**

**Bud Lortz**, Community Development Director, reported on the development of this issue and the steps that have been taken to address the subject. At the regular Council meeting of September 2, 2003 Council adopted an Urgency Ordinance forbidding personal service businesses to locate on the ground floor in the C-2 Central Business District Commercial Zone and allowing for study and analysis of this subject so as to develop recommendations regarding possible changes to the C-2 zoning regulations.

**PERSONAL SERVICE BUSINESS WORK PLAN REPORT CONTINUED (16.37)**

**Bud Lortz**, Community Development Director, Continued:

Staff has since formulated an in-house Work Plan and presented it to the General Plan Committee. The Committee believes the plan would provide adequate information for staff to develop a series of alternatives for Council's consideration.

**Council Comments:**

Implement a survey of personal use businesses in downtown ground floor store front property.

While survey is proceeding, evaluate mechanisms that could be implemented in the future to extend the base of information to reflect other use and square footage.

Keep survey small and centered.

Evaluate what information could be provided through business license renewal process.

Provide information through new GIS system data base to develop a data base for future use.

If CUP is granted, incorporate data into GIS system data base for future use.

Council will be able to process this information using its intuition and its own assumptions so as to be able to maintain and develop some measure of control over the mix of businesses in the downtown.

**Staff** noted that there was sufficient information and direction to proceed with the Work Plan.

**COUNCIL MATTERS (17.28)**

**Verbal Update on SVACA:**

**Mayor Glickman** spoke of the past history of working with SVACA and the latest proposals on the table which are a Reduced Equity Participation of Saratoga, Cupertino and Los Gatos with Campbell, Monte Sereno and Santa Clara baring the largest share; and the possibility that we could simply contract with SVACA for the services we wish to purchase. The other question is the purchase of land for the facilities. This is ongoing at this time and further updates may be available December 15<sup>th</sup> and Jan 5<sup>th</sup>.

**MANAGER MATTERS (18.28)**

**Green Building Techniques (Solar Design):**

**Bud Lortz**, Community Development Director, gave an update on the Solar Design Guidelines. He spoke of the Green Building Techniques, Energy Efficient Construction and the LEED Program that deals with the certification of buildings and their environmental status. He spoke of the public presentation for the General Plan Committee on Energy Technology and regulations regarding energy efficient design which will be held Wednesday, December 10<sup>th</sup> at 5:00 p.m.

**ADJOURNMENT**

Mayor Glickman closed this evening's meeting at 8:38 p.m.

**ATTEST:**

Marian V. Cosgrove, Town Clerk